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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,493	01/12/2006	Zenton Goh	4276-101	9011
23448 7590 08/04/2009 INTELLECTUAL PROPERTY / TECHNOLOGY LAW PO BOX 14329 RESEARCH TRIANGLE PARK, NC 27709				
EXAMINER RAJAN, KAI				
ART UNIT		PAPER NUMBER		
3769				
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08/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,493

Applicant(s)

GOH ET AL

Examiner

Kai Rajan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 6, 7, 9, 30, 32, 34, 35, 37 - 42, and 47 - 60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 7, 9, 30, 32, 34, 35, 37 - 42, and 47 - 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 19, 2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6, 7, 9, 30, 32, 34, 35, 37 – 42, and 47 – 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaukel U.S. Patent No. 6,072,396 in view of Hatlestad U.S. PGPub No. 2004/0073093.

1. A method of capturing and monitoring at least one physiological parameter and movement within an area of at least one person, the method comprising:

dividing the area into cells having respective location identifiers by providing a plurality of access stations in spatial arrangement within the area, thereby dividing the area into the cells (Figures 10 and 11);

providing each person with a respective device for measuring at least one physiological parameter of each person, the physiological parameter being indicative of whether the person has a physical condition, each device having a device identifier (Column 5 lines 62 – 64, column 8 lines 36 – 55);

at least intermittently measuring a physiological parameter of each person using the respective device to obtain a physiological parameter reading for each measurement (Column 8 lines 15 – 22, column 19 lines 56 – 67, column 20 lines 1 – 13);

associating each of at least a selected number of the physiological parameter readings with the respective device identifier of the device by which, the respective location identifier of the cell in which, and a time at which the physiological parameter reading is obtained (Column 12 lines 12 – 32);

storing the associated physiological parameter reading, device identifier, location identifier and time (Column 6 lines 30 – 47);

comparing the physiological parameter reading with a first predetermined physiological parameter threshold value to determine if the person is wearing the device properly wherein the physiological parameter is body temperature (Column 12 lines 45 – 67, column 13 lines 1 – 25, column 19 lines 56 – 67, column 20 lines 1 – 13).

Gaukel discloses monitoring physiological signals and detecting alarm conditions (Carlson et al. paragraphs 0014 - 0020). Gaukel is silent regarding applying correction factors to

the measured signals. However, Hatlestad, a reference in an analogous art, discloses a physiological monitoring and transmitting system that applies correction factors to the measured waveforms to compensate for the context in which the data is measured (Hatlestad paragraph 0027). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Gaukel with the correction factors of Hatlestad, since Hatlestad states that applying correction factors to compensate for the context in which physiological data is measured increases the reliability of the measured data and improves assessments of the patient's health (Hatlestad paragraphs 0003 - 0005).

2. The method according to Claim 1, wherein the monitoring is carried out from a remote location, the method further comprising:

transmitting the associated physiological parameter reading, device identifier, location identifier and time to the remote location prior to storing them thereat (Column 6 lines 30 – 47).

4. A method according to Claim 1, further comprising identifying and locating the person using the device identifier and the location identifier associated with the physiological parameter reading if the person is determined not to be wearing the device properly (Column 12 lines 45 – 67, column 13 lines 1 – 25, column 19 lines 56 – 67, column 20 lines 1 – 13).

6. A method according to Claim 1, further comprising identifying and locating the person using the device identifier and the location identifier associated with the physiological parameter

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reading if the person is determined to have the physical condition (Column 10 lines 27 – 39, column 19 lines 56 – 67, column 20 lines 1 – 13).

7. A method according to Claim 1, wherein the second predetermined physiological parameter threshold value is predetermined individually (Column 13 lines 12 – 25).

9. The method according to Claim 6, further comprising:
matching a time and location identifier associated with at least one physiological parameter reading taken from a respective device of at least one other person with those of the identified and located person (Column 10 lines 5 – 26); and

identifying the other person to have been in physical proximity of the identified and located person if there is a match (Column 10 lines 5 – 26, column 19 lines 56 – 67, column 20 lines 1 – 13).

30. A system for capturing and monitoring at least one physiological parameter and movement within an area of at least one person comprising:

a remote control unit; and
a plurality of access stations provided in a spatial arrangement within the area, thereby dividing the area into respective cells (Figures 10 and 11), wherein
each access station has a respective station identifier, is connected to the control unit and is adapted to receive a physiological parameter reading and a respective device identifier from at

least one physiological parameter measuring device attached to a first person (Column 5 lines 62 – 64, column 8 lines 36 – 55), and

to transmit the received physiological parameter reading and the device identifier along with its station identifier to the control unit (Column 5 lines 62 – 64, column 8 lines 36 – 55);

wherein the physiological parameter reading, device identifier, station identifier and a time at which the physiological parameter reading is obtained by the device are stored in a first record at the control unit (Column 5 lines 62 – 64, column 8 lines 36 – 55), and

wherein the control unit is adapted to match a date, time and location identifier of a second record obtained from another respective device of a second person with those in the first record (Column 6 lines 30 – 47, column 10 lines 5 – 26, column 19 lines 56 – 67, column 20 lines 1 – 13); and

to identify the second person to be in physical proximity of the first person if there is a match (Column 6 lines 30 – 47, column 10 lines 5 – 26, column 19 lines 56 – 67, column 20 lines 1 – 13);

wherein the control unit is adapted to compare the physiological parameter reading with a first predetermined physiological parameter threshold value to determine if the first person is wearing the device properly, wherein the physiological parameter is body temperature (Column 12 lines 45 – 67, column 13 lines 1 – 25).

Gaukel discloses monitoring physiological signals and detecting alarm conditions (Carlson et al. paragraphs 0014 - 0020). Gaukel is silent regarding applying correction factors to the measured signals. However, Hatlestad, a reference in an analogous art, discloses a physiological monitoring and transmitting system that applies correction factors to the measured

waveforms to compensate for the context in which the data is measured (Hatlestad paragraph 0027). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Gaukel with the correction factors of Hatlestad, since Hatlestad states that applying correction factors to compensate for the context in which physiological data is measured increases the reliability of the measured data and improves assessments of the patient's health (Hatlestad paragraphs 0003 - 0005).

32. The system according to Claim 30, wherein the control unit is further adapted to provide information corresponding to the device identifier and the location identifier associated with the physiological parameter reading for identifying and locating the first person if the first person is determined not to be wearing the device properly (Column 12 lines 45 – 67, column 13 lines 1 – 25, column 19 lines 56 – 67, column 20 lines 1 – 13).

34. The system according to Claim 30, wherein the control unit is further adapted to provide information corresponding to the device identifier and the location identifier associated with the physiological parameter reading for identifying and locating the first person if the first person is determined to have the physical condition (Column 10 lines 27 – 39, column 19 lines 56 – 67, column 20 lines 1 – 13).

35. The system according to Claim 30, wherein the second predetermined physiological parameter threshold is predetermined individually for the first person (Column 13 lines 12 – 25).

37. The system according to Claim 30, wherein the control unit is adapted to generate an alert message if the first person is determined either not to be wearing the device properly or to have the physical condition, the alert message including information corresponding to the station identifier and the device identifier (Column 10 lines 27 – 39, lines 53 – 64).

38. The system according to Claim 37, wherein the alert message is sent to a predetermined recipient via a communication network to which the control unit is connectable (Column 10 lines 27 – 39, lines 53 – 64).

39. The system according to Claim 38, wherein the communication network is a public communication network (Column 15 lines 16 – 39).

40. The system according to Claim 30, wherein the control unit is adapted to instruct the device to transmit its device identifier and a physiological parameter reading measured therewith (Column 6 lines 30 – 47).

41. The system according to Claim 40, wherein the control unit is adapted to instruct the device by broadcasting a corresponding instruction via at least one selected access station, the instruction being receivable by all devices in a coverage area of the at least one selected access station (Column 6 lines 30 – 47).

42. The system according to Claim 30, further comprising at least one physiological parameter measuring device that is attachable to the first person for monitoring at least one physiological parameter of the first person, each device having a device identifier and being connected to the respective access station of the cell when it is within the cell (Column 8 lines 15 – 22).

Claims 47 – 60 are rejected by the system of Gaukel in view of Hatlestad, as combined and cited above.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kai Rajan whose telephone number is (571)272-3077. The examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Johnson can be reached on 571-272-4768. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kai Rajan/
Examiner, Art Unit 3769

/Michael C. Astorino/
Primary Examiner, Art Unit 3769

August 3, 2009